APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,048	11/04/2003	Martine Lefebvre	LEFE3002/FJD	3102

			EXAMINER
23364	7590	08/30/2005	TRIEU, VAN THANH

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ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/700,048	LEFEBVRE ET AL.
	Examiner	Art Unit
	Van T Trieu	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>9-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>9-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 14 is objected to because of the following informalities: the abbreviation of

"**DTM**" should be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 9, 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by

Shidara et al [US 5,963,444].

Regarding claim 9, the claimed method for the offline parameterization of a field device

for process automation technology with the help of an operating program [BW] running

on an operating device B, which is normally used for parameterization an online field

device, comprising the step of: communicating an operating program [BW] with a field

device [F1] over a data bus [D] for online parameterization and for which no device

description is available describing the offline behavior of the field device [F1] (the

method of controlling with a control apparatus having a plurality of remote PLC devices

or field devices. When an operation of the system, is started, the main body 1a sets a

remote PLC transfer mode to an OFFLINE transfer mode controlled by a CPU 101 over

the PLC data bus 110 for controlling operational parameters set in each of the remote

PLC devices 3, see Figs. 1-6, col. 4, lines 55-67, col. 5, lines 1-20, col. 7, lines 50-60,

col. 10, lines 45-65, col. 25, lines 11-67 and col. 26, lines 1-47); and the communicating

the operating program [BW] with a copy of the device software program [GS] running on

a device different from the field device [F1], thereby simulating an online field device

[F1] (the main body 1a transfers required data for initialization to each of the specified

distributed remote PLC devices 3, and makes each of the PLC devices 3 start

execution of the PLC in the command control made in order to make it executes the

PLC processing according to each sequence program respectively, see Figs. 5-7, col.

10, lines 53-65, col. 25, lines 58-67 and col. 26, lines 1-47).

Regarding claim 10, all the claimed subject matters are cited in respect to claim 1

above, and including the device software program [GS] and the operating program [BW]

are executed together on the operating device (the PLC computing unit 105a executes

the whole processing in the main body 1a, including the remote PLC communication

control section 106 and the PLC processing program 8 for offline transferring of

operation parameters to the remote PLC devices 3, see Figs. 1, 3, 6 and 8, col. 7, lines

23-60).

Regarding claim 16, the claimed parameter settings of the offline parameterization are

transferred to the field device manufacturer for pre-configuring of field device, see Figs.

5-7, col. 4, lines 62-67, col. 5, lines 1-20, col. 25, lines 11-67 and col. 26, lines 1-47.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shidara et al [US 5,963,444] in view of **Schwols** [US 6,839,721]

Regarding claim 11, **Shidara et al** fails to disclose the copy of the device software

program GS and the operating program B communicate over a virtual COM-interface.

However, **Shidara et al** teaches that the PLC processing program 8 and PLC

computing unit 105a communicate over the remote PLC communication control section

106 for copy a sequence program to the remote PLC devices 3, see Figs. 1-3, col. 7,

lines 24-60. **Schwols** suggests that a computer system containing a data protection

system comprising existing file management software 114 and a protect file component

210, which is a COM object local out-of-process server the controls all aspects of

copying files, see Fig. 2, col. 8, lines 21-64. Therefore, it would have been obvious to

one skill in the art at the time the invention was made to implement the COM object of

Schwols to the PLC computing unit of **Shidara et al** for increasing operating functions

to transfer sequence program to the remote PLC devices.

Regarding claim 12, **Shidara et al** fails to disclose the operating device has a Window

platform. However, **Shidara et al** teaches that the PLC computing unit 105a executes a

processing program to copy of sequence program offline transferred to the specified

remote PLC devices 3 contained header information data to improve operational

efficiency and adaptability for maintenance of the entire control apparatus, see Figs. 1-

6, col. 25, lines 9-65. **Schwols** suggests that a computer system containing a data

protection system comprising existing file management software 114 uses the data

returned to populate and display the offline removable storage media 124 data. When

the software 114 is the Window operating system such as the Window Explorer

application, see Fig. 1, col. 5, lines 52-59. Therefore, it would have been obvious to one

skill in the art at the time the invention was made to implement the Window application

of **Schwols** to the PLC computing unit of **Shidara et al** for easily of using and operating

of the control apparatus.

Regarding claim 13, all the claimed subject matters are discussed between **Shidara et al** and **Schwols** in respect to claims 9 and 12 above.

Regarding claim 14, **Shidara et al** fails to disclose the copy of the device software program GS is surrounded by a DTM shell. However, **Shidara et al** teaches that the PLC computing unit 105a executes a processing program to copy of sequence program offline transferred to the specified remote PLC devices 3 contained header information data to improve operational efficiency and adaptability for maintenance of the entire control apparatus, see Figs. 1-6, col. 25, lines 9-65. **Schwols** suggests that a computer system containing a data protection system comprising an existing file management software 114 uses the data returned to populate and display the offline removable storage media 124 data. When the software 114 is opened, its loads with Shell Extension 204, which evokes Protect File Component 240 to protect the data, see Figs. 1, 2, 5 and 6, col. 7, lines 6-37, col. 12, lines 38-51 and col. 14, lines 53-65. Therefore, it would have been obvious to one skill in the art at the time the invention was made to implement the Shell Extension of **Schwols** to the PLC computing of **Shidara et al** for protecting of the transferred information data and reliability operation functions of the remote PLC program.

4.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Shidara et al** [US 5,963,444] in view of **Belt et al** [US 6,848,105]

Regarding claim 15, **Shidara et al** fails to disclose the operating device is a laptop

computer unit. However, **Shidara et al** teaches that the PLC computing unit 105a

executes a processing program to copy of sequence program offline transferred to the

specified remote PLC devices 3 contained header information data to improve

operational efficiency and adaptability for maintenance of the entire control apparatus,

see Figs. 1-6, col. 25, lines 9-65. **Belt et al** suggests that a method and system for

identifying the program application functionality needed for a personal computer 20

when disconnected from a network and storing this program module functionality on the

computer such as marked to be available offline. The computer 20 is a mobile

computer or a laptop computer, see Fig. 1, col. 1, lines 35-41, 65-67, col. 2, lines 1-11,

col. 3, lines 48-55, col. 4, lines 29-56, col. 5, lines 49-55 and col. 8, lines 52-65.

Therefore, it would have been obvious to one skill in the art to recognize that it is a user

choice to substitute laptop computer of **Belt et al** for the computing unit of **Shidara et al**

for providing convenience to a user or operator being freely moving working station from

one to another and/or to another building, since the laptop computers are powerful as

the PC and available in the market.

Response to Arguments

5.   Applicant's arguments filed on 28 June 2005 have been fully considered but they

are not persuasive. Examiner is very regrettably to have a new ground of rejection

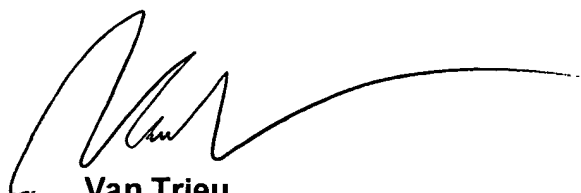based on the Amendment and the update search. The new rejected reference of

Shidara et al discloses of an offline transferring sequence program parameters to remote devices, which make the rejection smoother.

NOTE: The Amendment did not address or correct of the object to claim 14 above.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

Van Trieu
Primary Examiner
Date: 8/24/05